

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:23-CV-897

IN RE:)
)
CAMP LEJEUNE WATER LITIGATION)
)
THIS PLEADING RELATES TO:)
)
McBrine v. United States, No. 7:23-cv-532-M)
Petrie v. United States, No. 7:23-cv-00202-D)

**PLAINTIFFS' MOTION TO CERTIFY FOR APPEAL THE ORDER GRANTING
DEFENDANT'S MOTION TO STRIKE THE DEMAND FOR A JURY TRIAL**

The Plaintiffs' Leadership Group (PLG), on behalf of Plaintiffs Susan McBrine (No. 7:23-cv-00532-M-RJ) and David L. Petrie (No. 7:23-cv-00202-D-BM), moves the Court to certify for immediate appellate review, under 28 U.S.C. § 1292(b), its Order (D.E. 133) granting Defendant's Motion to Strike the Demand for a Jury Trial (D.E. 51). Section 1292(b) provides that interlocutory orders involving "a controlling question of law as to which there is substantial ground for difference of opinion" can be immediately appealed if doing so "may materially advance the ultimate termination of the litigation." For the reasons set forth in the PLG's contemporaneously filed memorandum of law, an immediate appeal of the Court's jury-trial Order is warranted under those criteria.¹

¹ The government has informed the PLG that it is considering its position on this motion.

February 14, 2024

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